

William Walter Wilkins, III, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

3 Navy nominations in the rank of admiral.

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Messages from the House: Page S3889

Measures Referred: Page S3889

Measures Read the First Time: Pages S3890, S3931

Executive Communications: Pages S3890–91

Executive Reports of Committees: Page S3891

Additional Cosponsors: Pages S3892–93

Statements on Introduced Bills/Resolutions:  
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Additional Statements: Pages S3886–89

Amendments Submitted: Pages S3908–29

Authorities for Committees to Meet: Page S3929

Privileges of the Floor: Page S3929

Record Votes: Four record votes were taken today.  
(Total—120) Pages S3878–80

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 9:01 p.m., until 9:30 a.m. on Thursday, May 8, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3932.)

## Committee Meetings

(Committees not listed did not meet)

### APPROPRIATIONS: DEPARTMENT OF LABOR

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Department of Labor, after receiving testimony from Elaine L. Chao, Secretary of Labor.

### APPROPRIATIONS: UNITED STATES INTELLIGENCE COMMUNITY

*Committee on Appropriations:* Subcommittee on Defense concluded a closed hearing to examine proposed budget estimates for fiscal year 2009 for the United States intelligence community, after receiving testimony from Mike McConnell, Director, National Intelligence; and James Clapper, Jr., Under Secretary for Intelligence, Department of Defense.

### APPROPRIATIONS: COMMODITY FUTURES TRADING COMMISSION AND THE SECURITIES AND EXCHANGE COMMISSION

*Committee on Appropriations:* Subcommittee on Financial Services and General Government concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Commodity Futures Trading Commission and the Securities and Exchange Commission, after receiving testimony from Walter L. Lukken, Acting Chairman, Commodity Futures Trading Commission; and former Representative Christopher Cox, Chairman, United States Securities and Exchange Commission.

### REGULATION OF INVESTMENT BANKS

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Securities, Insurance and Investment concluded a hearing to examine United States credit markets, focusing on the regulation of investment banks by the United States Securities and Exchange Commission, after receiving testimony from Erik Sirri, Director, Division of Trading and Markets, and Arthur Levitt, Jr. and David S. Ruder, both former Chairmen, all of the United States Securities and Exchange Commission.

### NASA REAUTHORIZATION

*Committee on Commerce, Science, and Transportation:* Subcommittee on Space, Aeronautics, and Related Agencies concluded a hearing to examine issues relative to the upcoming reauthorization of the National Aeronautics and Space Administration (NASA), after receiving testimony from Gene Kranz, Coalition for Space Exploration, Seabrook, Texas; Joan Johnson-Freese, Naval War College National Security Decision Making Department, Newport, Rhode Island; Frederick A. Tarantino, Universities Space Research Association, Columbia, Maryland; Major General Robert Dickman, USAF (Ret.), American Institute of Aeronautics and Astronautics (AIAA), Reston, Virginia; and George T. Whitesides, National Space Society, Washington, D.C.

### AIRLINE MERGER

*Committee on Commerce, Science, and Transportation:* Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine the financial state of the airline industry, focusing on the impact of the Delta Airlines, Inc.-Northwest Airlines, Inc., merger, after receiving testimony from Richard H. Anderson, Delta Air Lines, Inc., Atlanta, Georgia; Mark Cooper, Consumer Federation of America, on behalf of Consumers Union, Patricia A. Friend, Association of Flight Attendants—CWA, AFL—CIO, and Patrick V. Murphy, Jr., Gerchick-Murphy Associates, LLC, all of Washington, D.C.; Ray Neidl, Caylon Securities, New York, New York; Robert

Roach, Jr., International Association of Machinists and Aerospace Workers, Upper Marlboro, Maryland; and Douglas M. Steenland, Northwest Airlines, Inc., Saint Paul, Minnesota.

### BUSINESS MEETING

*Committee on Energy and Natural Resources:* Committee ordered favorably reported:

S. 27, to authorize the implementation of the San Joaquin River Restoration Settlement, with an amendment in the nature of a substitute;

S. 570, to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, with an amendment in the nature of a substitute;

S. 617, to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans, with an amendment in the nature of a substitute;

S. 662, to authorize the Secretary of the Interior to conduct a special resource study to evaluate resources at the Harriet Beecher Stowe House in Brunswick, Maine, to determine the suitability and feasibility of establishing the site as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 783, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, with an amendment in the nature of a substitute;

S. 827, to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, with an amendment in the nature of a substitute;

S. 832, to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value, with an amendment;

S. 868, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System, with an amendment in the nature of a substitute;

S. 900, to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act, with an amendment;

S. 1171, to amend the Colorado River Storage Project Act and Public Law 87-483 to authorize the construction and rehabilitation of water infrastruc-

ture in Northwestern New Mexico, to authorize the use of the reclamation fund to fund the Reclamation Water Settlements Fund, to authorize the conveyance of certain Reclamation land and infrastructure, to authorize the Commissioner of Reclamation to provide for the delivery of water, with an amendment in the nature of a substitute;

S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System, with an amendment in the nature of a substitute;

S. 1380, to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado, with an amendment in the nature of a substitute;

S. 1633, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefield and related sites of the Battle of Shepherdstown in Shepherdstown, West Virginia, as part of Harpers Ferry National Historical Park or Antietam National Battlefield, with an amendment;

S. 1929, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed;

S. 2124, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery;

S. 2207, to direct the Secretary of the Interior to study the suitability and feasibility of designating Green McAdoo School in Clinton, Tennessee, as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 2229, to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range, with an amendment in the nature of a substitute;

S. 2254, to establish the Mississippi Hills National Heritage Area in the State of Mississippi, with an amendment in the nature of a substitute;

S. 2262, to authorize the Preserve America Program and Save America's Treasures Program, with an amendment in the nature of a substitute;

S. 2370, to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project;

S. 2379, to authorize the Secretary of Interior to cancel certain grazing leases on land in Cascade-Siskiyou National Monument that are voluntarily waived by the lessees, to provide for the exchange of

certain Monument land in exchange for private land, to designate certain Monument land as wilderness, with an amendment in the nature of a substitute;

S. 2512, to establish the Mississippi Delta National Heritage Area in the State of Mississippi, with an amendment in the nature of a substitute;

S. 2513, to modify the boundary of the Minute Man National Historical Park;

S. 2593, to establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, with an amendment in the nature of a substitute;

S. 2604, to establish the Baltimore National Heritage Area in the State of Maryland, with an amendment in the nature of a substitute;

S. 2804, to adjust the boundary of the Everglades National Park, with an amendment in the nature of a substitute;

S. 2814, to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System;

S. 2833, to provide for the management of certain public land in Owyhee County, Idaho, with an amendment in the nature of a substitute;

H.R. 123, to authorize appropriations for the San Gabriel Basin Restoration Fund;

H.R. 189, to establish the Paterson Great Falls National Historical Park in the State of New Jersey, with an amendment in the nature of a substitute;

H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States, with an amendment in the nature of a substitute;

H.R. 523, to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district;

H.R. 1285, to provide for the conveyance of a parcel of National Forest System land in Kittitas County, Washington, to facilitate the construction of a new fire and rescue station;

H.R. 1311, to provide for the conveyance of the Alta-Hualapai Site to the Nevada Cancer Institute;

H.R. 1483, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, with an amendment in the nature of a substitute;

H.R. 1528, to amend the National Trails System Act to designate the New England National Scenic Trail, with an amendment in the nature of a substitute;

H.R. 1725, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycle/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment Facility Project;

H.R. 1855, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project;

H.R. 2085, to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma;

H.R. 2197, to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio;

H.R. 2515, to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, with an amendment in the nature of a substitute;

H.R. 2627, to establish the Thomas Edison National Historical Park in the State of New Jersey as the successor to the Edison National Historic Site, with an amendment in the nature of a substitute;

H.R. 3332, to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969;

H.R. 3998, to establish a National Commission on the Infrastructure of the United States, with an amendment in the nature of a substitute;

H.R. 5151, to designate as wilderness additional National Forest System Lands in the Monongahela National Forest in the State of West Virginia, with amendments; and

The nominations of Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior, and Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy.

## SCIENCE AND ENVIRONMENTAL REGULATORY DECISIONS

*Committee on Environment and Public Works:* Subcommittee on Public Sector Solutions to Global Warming, Oversight, and Children's Health Protection concluded an oversight hearing to examine science and environmental regulatory decisions, after receiving testimony from George Gray, Assistant Administrator for Research and Development, Environmental Protection Agency; Francesca T. Grifo, Union of Concerned Scientists, David Michaels,

George Washington University Department of Environmental and Occupational Health, and John M. Balbus, Environmental Defense Fund, all of Washington, D.C.; Paul Gilman, Covanta Energy, Fairfield, New Jersey; George D. Thurston, New York University School of Medicine, Tuxedo, New York, on behalf of the American Lung Association; Lorenz R. Rhomberg, Gradient Corporation, Cambridge, Massachusetts; and Roger O. McClellan, Albuquerque, New Mexico.

## NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of Marcia Stephens Bloom Bernicat, of New Jersey, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau, Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Mali, who was introduced by Representative Pomeroy, Donald Gene Teitelbaum, of Texas, to be Ambassador to the Republic of Ghana, Linda Thomas-Greenfield, of Louisiana, to be Ambassador to the Republic of Liberia, Peter William Bodde, of Maryland, to be Ambassador to the Republic of Malawi, Donald E. Booth, of Virginia, to be Ambassador to the Republic of Zambia, Marianne Matuzic Myles, of New York, to be Ambassador to the Republic of Cape Verde, Stephen James Nolan, of Virginia, to be Ambassador to the Republic of Botswana, and Patricia McMahon Hawkins, of Virginia, to be Ambassador to the Togolese Republic, all of the Department of State, after the nominees testified and answered questions in their own behalf.

## TREATIES

*Committee on Foreign Relations:* Committee concluded a hearing to examine the International Convention for the Suppression of Acts of Nuclear Terrorism (the "Convention"), adopted by the United Nations General Assembly on April 13, 2005, and signed on behalf of the United States of America on September 14, 2005 (Treaty Doc. 110-04), Amendment to the Convention on the Physical Protection of Nuclear Material (the "Amendment"). A conference of States Parties to the Convention on the Physical Protection of Nuclear Material, adopted on October 28, 1979, adopted the Amendment on July 8, 2005, at the International Atomic Energy Agency in Vienna (Treaty Doc. 110-06), and the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (the "2005 SUA Protocol") and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (the "2005 Fixed Platforms Pro-

ocol") (together, "the Protocols"), adopted by the International Maritime Organization Diplomatic Conference in London on October 14, 2005, and signed by the United States of America on February 17, 2006 (Treaty Doc. 110-08), after receiving testimony from John C. Demers, Deputy Assistant Attorney General, National Security Division, Department of Justice; Patricia A. McNerney, Principal Deputy Assistant Secretary of State for International Security and Nonproliferation; and Richard Douglas, Deputy Assistant Secretary of Defense for Counter-Narcotics, Counter-Proliferation and Global Threats.

## FUEL SUBSIDIES

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine fuel subsidies relating to food supply and prices, after receiving testimony from Andrew Siegel, When Pigs Fly, Inc., York, Maine; Bruce A. Babcock, Iowa State University Center for Agricultural and Rural Development, Ames; and David Beckmann, Bread for the World, and Mark W. Rosegrant, International Food Policy Research Institute, both of Washington, D.C.

## NOMINATIONS

*Committee on the Judiciary:* Committee concluded open and closed hearings to examine the nominations of Helene N. White, and Raymond M. Kethledge, both of Michigan, each to be a United States Circuit Judge for the Sixth Circuit, and Stephen Joseph Murphy, III, to be United States District Judge for the Eastern District of Michigan, who were introduced by Senators Levin and Stabenow, after each nominee testified and answered questions in their own behalf.

## ANTITRUST ENFORCEMENT IN AGRICULTURE

*Committee on the Judiciary:* Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine antitrust enforcement in the agriculture marketplace, focusing on recent acquisitions, challenges and opportunities in international markets, major technological changes, and major concerns of the business relationships between the producers and processors, including S. 1759, to provide for the review of agricultural mergers and acquisitions by the Department of Justice, after receiving testimony from Douglas Ross, Special Counsel for Agriculture, Antitrust Division, Department of Justice; Peter C. Carstensen, University of Wisconsin Law School, Madison; Wesley M. Batista, JBS Swift and Company, Greeley, Colorado; Steven D. Hunt, United States Premium Beef, Ltd., Kansas City, Missouri; Bill Bullard, Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America

(R—CALF USA), Billings, Montana; Dillon M. Feuz, Utah State University, Logan; Michael Stumo, Organization for Competitive Markets, Lincoln, Nebraska; and David A. Balto, Center for American Progress, Washington, D.C.

#### VETERANS BENEFITS LEGISLATION

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine pending veterans benefits legislation, including S. 22, to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, S. 961, to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and S. 2674, to amend titles 10 and 38, United States Code, to improve and enhance procedures for the retirement of members of

the Armed Forces for disability and to improve and enhance authorities for the rating and compensation of service-connected disabilities in veterans, after receiving testimony from Senators Nelson (NE) and Thune; Representative Filner; Keith R. Pedigo, Associate Deputy Under Secretary of Veterans Affairs for Policy and Program Management; Carl Blake, Paralyzed Veterans of America, and Richard Paul Cohen, National Organization of Veterans' Advocates, Inc., both of Washington, D.C.; Eric A. Hilleman, Veterans of Foreign Wars of the United States, Kansas City, Missouri; Raymond C. Kelley, AMVETS, Lanham, Maryland; Steve Smithson, American Legion, Indianapolis, Indiana; Joseph A. Violante, Disabled American Veterans, Cold Spring, Kentucky; Richard Weidman, Vietnam Veterans of America, Silver Spring, Maryland; H. Gerald Starnes, Saint Augustine, Florida; and Charles Dana Gibson, Camden, Maine.

## House of Representatives

### *Chamber Action*

**Public Bills and Resolutions Introduced:** 11 public bills, H.R. 5982–5992; and 6 resolutions, H. Con. Res. 343–345; and H. Res. 1178–1180, were introduced.

**Pages H3185–86**

**Additional Cosponsors:**

**Pages H3186–87**

**Reports Filed:** There were no reports filed today.

**Chaplain:** The prayer was offered by the guest Chaplain, Pastor Joe Hishmeh, Fellowship Bible Church, Topeka, Kansas.

**Page H3111**

**Journal:** The House agreed to the Speaker's approval of the Journal by a yea-and-nay vote of 229 yeas to 184 nays, with 1 voting "present", Roll No. 268.

**Pages H3116–17**

**Calendar Wednesday:** On a call of committees pursuant to the Calendar Wednesday rule, no bills were called up for consideration.

**Pages H3114–15**

**Motion to Adjourn:** Rejected the Sessions motion to adjourn by a yea-and-nay vote of 132 yeas to 269 nays, Roll No. 267.

**Page H3115**

**Oath of Office—First Congressional District of Louisiana:** Representative-elect Steve Scalise presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from the Honorable Jay Dardenne,

Secretary of State for the State of Louisiana, indicating that, according to the unofficial returns of the Special Election held on May 3, 2008, the Honorable Steve Scalise was elected Representative to Congress for the First Congressional District, State of Louisiana.

**Pages H3115–16, H3184**

**Whole Number of the House:** The Speaker announced to the House that, in light of the administration of the oath to the gentleman from Louisiana, Mr. Steve Scalise, the whole number of the House is adjusted to 434.

**Page H3116**

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and agree to the following measures which were debated on Monday, May 5th:

*Expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia:* H. Res. 1166, to express the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia, by a  $\frac{2}{3}$  recorded vote of 390 yeas to 23 noes with 2 voting "present", Roll No. 269;

**Pages H3117–18**